

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL K. PERKINS and KATHIE W.
PERKINS, individually and the marital
community comprised thereof,

Plaintiffs,

v.

PNS STORES, INC., a foreign corporation, d/b/a
BIG LOTS! and PIC'N'SAVE #4424; BIG
LOTS STORES, INC., a foreign corporation,
d/b/a BIG LOTS!; and ARGO RENTON, LLC,
a foreign limited liability company,

Defendants.

No. 2:20-cv-00529

NOTICE OF REMOVAL

[Clerk's Action Required]

King County Superior Court
Case No. 20-2-05613-8 KNT

TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF WASHINGTON:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446,
defendants PNS Stores, Inc. ("PNS") and Big Lot Stores, Inc. ("BLSI") (collectively
"Defendants") hereby remove the case now pending in the Superior Court of the State of
Washington for King County, at Maleng Regional Justice Center, titled *Michael Perkins and
Kathie Perkins v. PNS Stores, Inc., a foreign corporation d/b/a Big Logs! and Pic 'N'Save #4424;
Big Lots Stores, Inc., a foreign corporation, d/b/a Big Lots!; and Argo Renton, LLC, a foreign
limited liability company*, Case No. 20-2-05613-8 KNT.

NOTICE OF REMOVAL [2:20-cv-00529] - 1

As grounds for removal, Defendants state as follows:

NOTICE OF REMOVAL IS TIMELY

(1) On or about March 4, 2020, Plaintiffs filed a Complaint in the above-referenced action in King County Superior Court, Maleng Regional Justice Center. Pursuant to 28 U.S.C. § 1446(a), attached to this Notice is the state court Complaint Defendants received from Plaintiffs (Exhibit 1).

(2) This notice of removal is timely filed under 28 U.S.C. § 1446(b), which provides that a notice of removal must be filed within 30 days after defendant receives, by service or otherwise, the initial pleading. Defendants were served with a Summons and a copy of Plaintiffs' Complaint on March 9, 2020. (Exhibit 1). Therefore, this removal is timely.

(3) No previous request has been made for the relief requested.

DIVERSITY JURISDICTION EXISTS

(4) This is a civil action over which this court has original jurisdiction based on diversity of citizenship pursuant to 28 U.S.C. § 1332, which provides, in relevant part, that district courts have original jurisdiction over actions where the matter in controversy exceeds \$75,000, exclusive of interest and costs, and where the action is between citizens of different states.

(5) Complete diversity exists between the parties to the above-captioned lawsuit.

(6) Plaintiffs allege that, at all material times, they were residents of Poulsbo, Kitsap County, State of Washington. (Compl., ¶ 1.1).

(7) PNS is a California corporation with its principal place of business in Ohio.

(8) BLSI is an Ohio corporation with its principal place of business in Ohio.

(9) Plaintiffs allege that defendant Argo Renton, LLC is a foreign limited liability company organized under the laws of the State of Delaware. (Compl., ¶ 1.5). An LLC is a citizen of every state in which its owners/members are citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). On information and belief, Argo Renton, LLC, has the following two members:

(a) Corvallis Sunset Partners, LLC. On information and belief, Corvallis Sunset Partners, LLC, is an Oregon limited liability company. Defendants have not been able to locate residency information related to the members of the LLC through publicly-available sources. However, on information and belief, including based on conferrals with Argo Renton LLC, Defendants allege, based on current information and belief, that none of the members are residents of Washington.

(b) Suncor Partners, LLC. On information and belief, Suncor Partners, LLC, is a Delaware limited liability company. Defendants have not been able to locate residency information related to the members of the LLC through publicly-available sources. However, on information and belief, including based on conferrals with Argo Renton LLC, Defendants allege, based on current information and belief, that none of the members are residents of Washington.

(10) The total amount at stake in this lawsuit meets the threshold for diversity jurisdiction. Plaintiffs' Complaint does not specify an amount in controversy. However, in response to Defendants' request for Plaintiffs' Statement of Damages, Plaintiff confirmed that the amount in controversy exceeds \$75,000. Therefore, the monetary requirement for diversity jurisdiction, as set forth under 28 U.S.C. § 1332, is satisfied.

REMOVAL TO THIS DISTRICT IS PROPER

(11) Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, removal of the above-captioned state court action to this court is appropriate.

(12) Pursuant to 28 U.S.C. § 1441(a), removal to this court is appropriate as the district and division embracing the place where the state court action is pending. Under LCR 3, it is anticipated that this matter may be assigned to the Seattle Division of the Western District of Washington.

1 (13) Defendants will promptly serve Plaintiffs with this Notice of Removal, informing
2 Plaintiffs that this matter has been removed to federal court. Defendants will also promptly file a
3 copy of this Notice of Removal with the King County Superior Court, where the action is pending.

4 **CONSENT TO REMOVAL**

5 (14) Pursuant to 28 U.S.C. ¶ 1446(b)(2)(A), defendant Argo Renton, LLC, consents to
6 removal of this matter to federal court.

7 DATED: April 7, 2020.

8 MB LAW GROUP, LLP

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17 *Big Lots Stores, Inc.*
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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED: April 7, 2020.

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